



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

December 10, 2012

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

STATUS REPORT ON THE HAULED WATER INITIAL STUDY PLAN (ITEM NO. 16, AGENDA OF SEPTEMBER 4, 2012)

On September 4, 2012, the Board, on motion of Supervisor Antonovich instructed the Chief Executive Officer (CEO), in conjunction with the Hauled Water Task Force (Task Force) to: (1) identify funding and direct the Task Force to develop a work plan and estimated timeline for the issuance of a Request for Proposals for purposes of retaining a consultant to prepare an Initial Study, and, if necessary, an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) analyzing the potential environmental impacts of the draft "hauled water policy;" and (2) directed County Counsel, in consultation with the Task Force, to draft a proposed ordinance for the Board's consideration that amends applicable provisions of the Los Angeles County Code to provide for a single-family residential hauled water use policy, which incorporates the provisions of the draft "hauled water policy" and the information provided to the public by the Task Force in its Response to Public Comments document, subject to any amendments made by the Board, and as informed by the required CEQA analysis. This is to provide the Board with a status report on the Task Force's efforts.

BACKGROUND

On September 17, 2009, the CEO provided the Board with a report on the feasibility of using hauled water for new single-family residential construction in select areas of Los Angeles County. On August 17, 2012, the CEO provided the Board with a report that summarized the Task Force's responses to the public on the potential use of hauled water for single-family residential development; set forth updates and

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modifications to the draft "hailed water policy" outlined in the CEO's September 17, 2009, report; explained potential changes to the Department of Public Health's Position Statement on the Use of Hauled Water for Domestic Purposes; and reported on other related issues pertaining to the potential use of hauled water. The report was prepared by the Task Force, which consists of Board Deputies from the Third and Fifth Supervisorial Districts, and representatives from the Departments of Public Health (DPH), Regional Planning (DRP), Public Works (DPW), County Counsel, and the CEO.

This report provides the Board with a status report on Part 1 of the Board's motion, and details the status of the work the CEO and the Task Force have engaged in to address the items identified in Part 1 of the Board's motion. In addition, this report: (1) formalizes the development of the Task Force work plan; (2) outlines each participating department's roles and responsibilities with respect to the Task Force work plan; (3) establishes the contracting process for purposes of retaining a consultant to prepare an Initial Study; and (4) identifies funding requirements to obtain a consultant to prepare an Initial Study.

HAULED WATER TASK FORCE – WORK PLAN

In response to the Board's September 4, 2012 motion, the CEO convened meetings with the Task Force to engage the group in developing a work plan for purposes of retaining a consultant to prepare an Initial Study pursuant to CEQA. The Initial Study will determine the appropriate environmental review required for the potential adoption of an ordinance implementing the draft "hailed water policy." Additionally, in support of this effort, the Task Force established guidelines and roles for each participating department, and has created a smaller "working group" consisting of selected representatives from DPH, DRP, DPW, County Counsel, and the CEO. The members of the "working group" have been tasked with performing the due diligence and laying the groundwork necessary to commence and carry out the Initial Study process.

The Task Force has held several meetings over the past couple of months in an effort to initiate and prepare the Initial Study. The "working group" continues to meet on a routine basis to coordinate, review, and establish a work process for the Initial Study.

One of the first steps undertaken by the Task Force to address the Board's motion was to formalize the departmental roles and responsibilities by defining the working relationship necessary for each department to respond to and provide their technical expertise for the preparation of the Initial Study. Additionally, in preparation for the contract selection process, the Task Force is currently researching and gathering information to develop a draft project description for the Initial Study, which will be utilized as part of the environmental consultant selection process.

Department Roles

The County departments participating in the Task Force and their roles are summarized below:

1. Board Offices: provide guidance and direction on Board interest.
2. Chief Executive Office: Facilitate and provide oversight to Task Force/Working Group on Initial Study process; establish funding requirements and consulting agreement; and work with Task Force/Working Group for a multi-departmental response to the Board's September 4, 2012 motion on the Initial Study.
3. County Counsel: provide legal research, advice, and assistance regarding applicable State and Federal laws and regulations, including CEQA; provide advice and assistance to departmental staff in the preparation of the appropriate environmental review; and provide input for the development of a written response to the Board's September 4, 2012 motion.
4. Department of Public Health: provide input on the development of the scope of work for a consultant agreement; provide technical expertise for the preparation of the Initial Study; work with DPW and other departmental staff on matters pertaining to public health and environmental health; and assist in the development of a written response to the Board's September 4, 2012 motion.
5. Department of Public Works: serve as the lead/coordinator on the Initial Study; work with the CEO and County Counsel to retain a consultant and execute an agreement to prepare the Initial Study, and if necessary, the environmental review post-Initial Study; work with DPH, DRP, County Counsel, and other departmental staff to respond and coordinate all aspects necessary for the completion of the Initial Study; and provide input and work with the Task Force/Working Group to prepare a written response to the Board's September 4, 2012 motion.
6. Department of Regional Planning: provide input on the development of the scope of work for a consultant agreement; provide technical expertise in connection with the preparation of the Initial Study; work with DPW and other departmental staff on matters pertaining to land use and planning; and provide input and work with the Task Force/Working Group to prepare a written response to the Board's September 4, 2012 motion.

Contracting Process

As a result of the Task Force's in depth discussions on the contracting process, rather than issue a new Request for Proposals for a consultant to prepare the Initial Study, the Task Force agreed to use an available DPW Consultant Services Agreement with qualified environmental consultants to retain a consultant to conduct the Initial Study. The use of the previously competitively procured consultant panel to select a consultant will speed the process of beginning the Initial Study and, if necessary, an EIR. In concert with this process, the Task Force will establish an Evaluation Committee, which will consist of members from the Task Force, including persons with subject matter expertise within each of the Task Force's participating departments, to review and negotiate the proposals submitted by environmental consultants. It is anticipated this process will take up to 60 days. Upon successful negotiation with the most qualified proposer, the Task Force/Working Group will proceed to engage the consultant to begin the necessary work to prepare the Initial Study.

It is estimated that a consultant would be selected by Spring 2013 and an Initial Study completed by Fall 2013. As reported earlier, if an EIR is required, it is anticipated to take 12-18 months once an environmental consultant is under contract. The process could take longer than projected given the wide area and numerous factors to be studied.

Further, upon completion of the Initial Study, we will submit to the Board the selected consultants' report on the findings and recommendations of the Initial Study, in addition to outlining proposed next steps, for the Board's consideration.

Funding Requirements

With regard to funding requirements for the preparation of the Initial Study, the CEO is working closely with the Task Force and departmental staff to establish the funds necessary for the required consulting agreement.

It should be noted that approximately \$500,000 to \$1,000,000 will be necessary to retain a consultant to conduct the Initial Study and prepare the appropriate environmental review document. Additionally, this estimate is subject to change based on the scope of work and project description for the Initial Study.

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With DPW serving as the lead to administer the consulting agreement, the Department will initially cover the costs associated with this agreement through use of their Fiscal Year 2012-13 Public Works General Fund (PWGF) Budget. Additionally, any use of these funds will be transferred back to PWGF Budget through the CEO's mid-year Budget Adjustment, at which time any additional costs related to the Initial Study will be known and provided for the Board's consideration.

NEXT STEPS

As mentioned above, the Task Force is currently in the process of finalizing plans to retain a consultant to conduct the Initial Study and expects to have the consultant hired by the Spring 2013, and an Initial Study completed by Fall 2013.

We will continue to work with the Task Force and provide the Board with a status, as necessary, and upon the completion of the Initial Study with a final report outlining the consultants' findings and recommendations, for the Board's consideration.

If you have any questions on this matter, your staff may contact Arena Turner at (213) 974-1319, or aturner@ceo.lacounty.gov.

WTF:RLR
AMT:os

c: Executive Office, Board of Supervisors
County Counsel
Public Health
Public Works
Regional Planning